



SF 300 – Domestic Abuse Assault (LSB1359SV)
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Fiscal Note Version – New
Requested by Senator Steve Sodders

Description

Senate File 300 adds assault between people in intimate relationships to the definition of the crime of domestic abuse assault.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for domestic abuse assault ranging from a simple or an aggravated misdemeanor for the first conviction, a serious or an aggravated misdemeanor for a second conviction, and a Class D felony for a third or subsequent conviction.
- Current law requires a mandatory county jail term for offenders convicted of a first or second domestic abuse assault. The Class D felony is a forcible felony with a mandatory term of at least one year in State prison.
- Current law requires domestic abuse offenders to participate in a Batterer's Education Program administered by Community-Based Corrections (CBC) District Departments. The average annual cost per offender to participate in these classes is \$450. The offenders are required to pay for the program per Iowa Code section **708.2B**. See the report, **Fee Summary – Justice System – 2015 Session**, for information regarding fees imposed and collected from offenders.
- According to the Iowa Uniform Crime reports (UCR), 1,048 aggravated assault victims in 2009 were boyfriend/girlfriend of the assailant. This group comprised 16.7% of all aggravated assault victims that year. For simple assault, there were 3,994 boyfriend/girlfriend victims of the assailant. This group comprised 20.3% of all simple assault victims that year.
- The marginal cost per day for State prison is \$18.92. The average cost per day for parole or probation in CBC is \$4.26. The marginal cost per day for CBC residential facilities is \$11.55; 81.2% of that amount is paid from local sources.
- The cost per case to the **Indigent Defense Fund** is \$300 for a simple misdemeanor, \$600 for a serious misdemeanor, and \$1,200 for an aggravated misdemeanor or a Class D felony. The fiscal impact to the Indigent Defense Fund is the case cost difference between the enhanced penalties for a conviction under **SF 300** versus the conviction under current law.
- The average cost per case to the **Judicial Branch** is \$28 for a simple misdemeanor, \$213 for a serious or aggravated misdemeanor, \$436 for felonies, and \$929 for a forcible felony. These estimates include the average time spent on all cases of the given type regardless of how cases are disposed. Most cases are disposed by plea bargaining; only a small percentage is disposed by bench or jury trials. The fiscal impact to the Judicial Branch operating budget is the case cost difference between the enhanced penalties for a conviction under **SF 300** versus the conviction under current law.

- The current statewide CBC residential facility bed capacity is 1,619 beds. There were 666 offenders waiting for a CBC residential facility bed on February 26, 2015.
- According to the Justice Data Warehouse ([JDW](#)), the Criminal and Juvenile Justice Planning Division ([CJJPD](#)), and the Department of Corrections ([DOC](#)), the following are estimates for sentencing length of stay by offense class for domestic abuse assault:

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Avg Length of Stay on Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation	Percent Sentenced to CBC Res. Facility	Avg Length of Stay in CBC Res. Facility	Percent Sentenced to County Jail	Avg Length of Stay in County Jail
Simple Misdemeanor	0.0%	0	0	0.0%	0	0.0%	0	100.0%	8 days
Serious Misdemeanor	3.5%	6.9 months	7.5 months	58.7%	12.0 months	35.1%	5.8 months	96.5%	37 days
Agg. Misdemeanor	14.7%	8.3 months	6.0 months	81.3%	20.4 months	31.8%	5.8 months	85.3%	45 days
Class D Forcible Felony	100.0%	18.7 months	13.7 months	0.0%	0	0.0%	0	0.0%	0

- For offenders convicted of a serious or aggravated misdemeanor domestic abuse assault, the percent sentenced to State prison, probation, CBC residential facility, or county jail exceeds 100.0%. Certain offenders are sentenced to county jail and then probation supervision; certain offenders are sentenced to a CBC residential facility and then probation supervision.

Minority Data Information

The table below shows FY 2014 offender-based convictions for any type of assault and domestic abuse assault for all offense classes. Blacks and Native Americans are disproportionately convicted of assault or domestic abuse assault, compared to their percentage of the Iowa population.

Racial Characteristics of Offenders Convicted of Any Assault or Domestic Abuse Assault in FY 2014

	White	Black	Hispanic	Native American	Asian	Other/Unknown	Total
Any Assault	6,587	1,893	426	148	75	1,195	10,324
% of Total	63.8%	18.3%	4.1%	1.4%	0.7%	11.6%	100.0%
Domestic Abuse Assault	1,743	612	128	37	24	163	2,707
% of Total	64.4%	22.6%	4.7%	1.4%	0.9%	6.0%	100.0%

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2015, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2015. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the correctional system.
- Approximately 16.7% of offenders convicted of indictable misdemeanor assault and 20.3% of offenders convicted of simple misdemeanor assault will be subject to the enhanced penalties in the Bill.

- There will be a corresponding decrease in convictions of other types of assault.
- Offenders will pay the Batterer’s Education Program fee over the course of their supervision. The CBC District Departments may be required to provide the Program and then collect the fee in arrears.
- Approximately 50.0% of the offenders convicted under [SF 300](#) will be indigent under Iowa Code section [815.9](#) and will receive a court-appointed attorney.
- There will be an increase in county jail populations for misdemeanor convictions. Marginal costs for county jails cannot be determined due to a lack of data. For the purpose of this analysis, the marginal cost for county jail is \$15 per day.
- Current law provides for mandatory arrest in domestic abuse cases. Defendants are detained in county jails. Data is not available to estimate the increased number of defendants that will be held in county jails upon arrest under the provisions of this Bill. If there is a significant increase in the number of defendants held, the correctional and fiscal impact on county jails is underestimated in this fiscal note.
- Current law provides for no-contact orders to be issued in domestic abuse assault cases. An increase in the number of no-contact orders issued, and subsequently violated, under [SF 300](#) cannot be estimated. Arrests for alleged violations, and convictions for violations, of no-contact orders are likely to increase, but those increases cannot be estimated. Offenders arrested or convicted of violating no-contact orders are sent to county jail.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

There will be an estimated 1,135 offenders annually convicted under this Bill. These offenders are currently in the criminal justice system. However, they are currently convicted of assault, not domestic abuse assault. The enhanced penalties of domestic abuse assault will have the net impact on admissions to the corrections system as indicated in the following table:

Estimated Net Admissions to the Corrections System

	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
County Jail	257	513	513	513	513
State Prison	7	14	14	14	14
CBC Residential Facility	3	6	6	6	6
Probation/Parole	19	37	37	37	37
Total	286	570	570	570	570

Offenders sentenced to county jail may or may not receive a sentence of probation supervision. An unknown percentage of offenders admitted to county jail in the table above will also be counted in the Probation/Parole increase. All offenders will be required to attend and pay for the Batterer’s Education Program.

The table below shows the anticipated impact to the State prison system population for offenders convicted of the Class D forcible felony.

Anticipated Prison Population Impact

	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Increase in Population	7	12	14	14	14

The projected increase in the prison population is primarily due to the average length of stay exceeding one year.

Minority Impact

To the extent the Bill results in additional criminal convictions, there will be a disproportionate impact on minorities. Under current law, minorities are approximately 35.6% to 36.2% (varies by type of assault) of offenders convicted of assault. Under the Bill, approximately 35.6% of convicted offenders may be minorities, especially Blacks and Native Americans. Additional criminal convictions will result in an increased number of minority offenders supervised in the corrections system, and they will be supervised for a longer time period than under current law.

Fiscal Impact

The fiscal impact is estimated to be an increased cost of \$405,300 in FY 2016 and \$923,000 in FY 2017. The table below shows the impact by funding source. County jail costs are expected to level off in FY 2017 at approximately \$162,000 annually. State General Fund costs are expected to increase over the five-year correctional impact projection period, as repeat offenders receive enhanced penalties under the Bill.

Estimated Fiscal Impact by Funding Source

	Fiscal Impact by Funding Source							
	FY 2016				FY 2017			
	State General		Local Funds	Total	State General			Total
County Budgets	Fund	County Budgets			Fund	Local Funds		
Judicial Branch	\$ 0	\$ 5,300	\$ 0	\$ 5,300	\$ 0	\$ 11,000	\$ 0	\$ 11,000
Indigent Defense	0	18,000	0	18,000	0	34,000	0	34,000
Jail	81,000	0	0	81,000	162,000	0	0	162,000
State Prison	0	24,000	0	24,000	0	121,000	0	121,000
CBC	0	16,000	261,000	277,000	0	74,000	521,000	595,000
Total	\$ 81,000	\$ 63,300	\$ 261,000	\$ 405,300	\$ 162,000	\$ 240,000	\$ 521,000	\$ 923,000

The local funds are generated by offenders paying a fee to attend the Batterer's Education Program and/or CBC residential facility rent. To the extent the offenders are unable to pay the fee, the CBC District Departments' operating budgets may be impacted.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Office of the State Court Administrator

/s/ Holly M. Lyons

March 5, 2015

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.